

Exhibit 28

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.
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Case No. 3:10-cv-03561 WHA

**GOOGLE INC.'S DEPOSITION CLIPS OF
HASAN RIZVI PLAYED BY VIDEO
DURING TRIAL**

Trial Date: May 9, 2016
Dept: Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 7804

CASE NO. 10-03561 WHA

DATE ENTERED _____

BY _____

DEPUTY CLERK

GOOGLE INC.'S DEPOSITION CLIPS OF HASAN RIZVI PLAYED BY VIDEO DURING TRIAL
Case No. 3:10-cv-03561 WHA

1060607.01

1 Defendant Google Inc. submits the following deposition clips of Hasan Rizvi played by
2 video on May 16, 2016.

3
4 Dated: May 16, 2016

KEKER & VAN NEST LLP

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6 By: s/ Robert A. Van Nest
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9 DANIEL PURCELL

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Attorneys for Defendant
GOOGLE INC.

Oracle v. Google_2

 **Rizvi, Hasan (Vol. 01) - 07/28/2011**

1 CLIP (RUNNING 00:07:00.903)



Could you state your name for the record? ...

RIZVI_4

17 SEGMENTS (RUNNING 00:07:00.903)

**1. PAGE 6:11 TO 6:19 (RUNNING 00:00:12.688)**

11 Q. Could you state your name for the record?
 12 A. Hasan Rizvi.
 13 Q. You're a current employee of Oracle
 14 America, Incorporated?
 15 A. Yes.
 16 Q. And prior to Oracle Corporation's
 17 acquisition of Sun Microsystems, you were an
 18 employee of Oracle Corporation?
 19 A. Yes.

2. PAGE 11:17 TO 11:19 (RUNNING 00:00:05.754)

17 Q. When were you first hired for your first
 18 stint at Oracle?
 19 A. 1990.

3. PAGE 12:23 TO 13:05 (RUNNING 00:00:15.705)

23 You said you were at Oracle for about
 24 eight years during that first stint?
 25 A. Yes.
 00013:01 Q. So you would have left in about 1998?
 02 A. Yes.
 03 Q. At the time you left Oracle in 1998, what
 04 was your position there?
 05 A. Director of development.

4. PAGE 17:05 TO 17:07 (RUNNING 00:00:06.718)

05 Q. When you rejoined Oracle in October of
 06 2001, what was your position at that point?
 07 A. Vice president of development.

5. PAGE 17:15 TO 18:03 (RUNNING 00:00:32.863)

15 Q. Who were you reporting to when you
 16 rejoined Oracle as Vice President of Development?
 17 A. Chuck Rozwat.
 18 Q. And what was Mr. Rozwat's position?
 19 A. He was heading up large parts of
 20 development. I think he was EVP of development.
 21 Q. And to whom at that point did Mr. Rozwat
 22 report?
 23 A. Mr. Ellison.
 24 Q. That's Larry Ellison?
 25 A. Yes.
 00018:01 Q. And he was at that time the CEO of Oracle
 02 Corporation?
 03 A. Yes.

6. PAGE 83:15 TO 83:18 (RUNNING 00:00:16.634)

15 Q. Mr. Rizvi, Exhibit 191 appears to
 16 be a presentation with an Oracle format that's
 17 entitled "Project Javelin: Strategy and
 18 Milestones," Version 0.7, dated June 23, 2009.

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page 1

Oracle v. Google_2

7. PAGE 83:22 TO 84:07 (RUNNING 00:00:22.336)

22 Q. Do you recognize this presentation?
 23 A. Yes.
 24 Q. And do you know who created this
 25 presentation?
 00084:01 A. I'm not exactly sure.
 02 Q. Was it created by someone within your
 03 team?
 04 A. Most likely, yes.
 05 Q. And do you recall reviewing it at the time
 06 around the time it was created?
 07 A. Yes.

8. PAGE 85:07 TO 85:11 (RUNNING 00:00:11.472)

07 Q. What -- was the purpose of this
 08 presentation to outline various things that Oracle
 09 might do with the Java platform in the event it
 10 acquired Sun?
 11 A. Yes.

9. PAGE 86:14 TO 87:21 (RUNNING 00:01:21.270)

14 Q. The next page states a number of long-term
 15 goals; this is page 3 of the document. The first
 16 is "Grow monetization opportunities for Java on
 17 mobile devices."
 18 Do you see that?
 19 A. Yes.
 20 Q. And then there's a number of bullets below
 21 that. The first is "Create a new business model to
 22 turn carriers into customers."
 23 A. Uh-huh.
 24 Q. Did Oracle ever follow through with any
 25 initiative to try to create a new business model to
 00087:01 turn carriers into customers with respect to Java?
 02 A. No.
 03 Q. Do you even know what that refers to?
 04 A. Yes. In the sense that obviously we
 05 have -- Oracle has customers or carriers, broadly
 06 speaking. The Java licensees that we have,
 07 primarily -- the Java is primarily licensed by
 08 device manufacturers as opposed to carriers. So
 09 I think this is referring to a business model which
 10 would make an offering to the carriers which would
 11 be something that we could sell to the carriers, I
 12 guess.
 13 Q. And when you say "carriers," you mean
 14 wireless carriers like T-Mobile and Verizon?
 15 A. Yes.
 16 Q. And if I understand correctly, what you're
 17 saying is that traditionally Sun had licensed Java
 18 to handset manufacturers like Motorola and Samsung
 19 but not necessarily to the wireless carriers;
 20 correct?
 21 A. Right.

10. PAGE 87:22 TO 88:01 (RUNNING 00:00:08.339)

22 Q. And Oracle was looking to expand the
 23 licensing business into the carrier market?
 24 A. We were exploring opportunities.
 25 Q. And did Oracle ever do that?
 00088:01 A. No.

11. PAGE 89:19 TO 90:07 (RUNNING 00:00:45.217)

19 Q. The fourth bullet is "Create application

Oracle v. Google_2

20 distribution business through a vibrant marketplace
 21 for applications and Java services."
 22 What does that refer to?
 23 A. I think that is referring to if we
 24 would create a store, for lack of a better word,
 25 marketplace, as I'm using that to mean a store,
 00090:01 where we could distribute applications.
 02 Q. So this refers to sort of an Oracle
 03 application store for Java applications?
 04 A. Yeah.
 05 Q. Did Oracle ever create an Oracle
 06 application store for Java applications?
 07 A. No.

12. PAGE 100:09 TO 100:13 (RUNNING 00:00:18.187)

09 Q. We talked about Java ME. What is JavaFX?
 10 A. So JavaFX is an effort to -- for a new
 11 UI interface capability for the Java platform, so
 12 graphics and user interface development for the
 13 Java platform.

13. PAGE 100:21 TO 101:16 (RUNNING 00:00:47.687)

21 Q. And JavaFX isn't particular to Java ME or
 22 Java SE, correct, it would be a layer on top of all
 23 those different variations of the Java platform?
 24 A. It could be. But we will have to -- it
 25 would -- it could be, but we have to -- at Oracle we
 00101:01 had to make calls on which one would be focused on
 02 first; whether it would be on the desktops or the
 03 mobile or the phones, et cetera.
 04 Q. And what call did Oracle make, if any,
 05 about how to focus JavaFX?
 06 A. Right now JavaFX is focused on the
 07 desktop.
 08 Q. So there's no active development for
 09 JavaFX in the mobile space?
 10 A. Yes.
 11 Q. And when did that development cease for
 12 JavaFX in the mobile space, if you know?
 13 A. I don't remember exactly, but sometime
 14 after the acquisition.
 15 Q. That was a decision made by Oracle?
 16 A. Yes.

14. PAGE 106:08 TO 106:23 (RUNNING 00:00:45.252)

08 Q. Which particular areas within Java had
 09 become dated and needed to be refreshed more
 10 urgently?
 11 A. As I mentioned, SE was one, where SE 6 was
 12 a few years old and needed to be refreshed. ME was
 13 another one which was, you know, dated.
 14 Q. The first bullet under that main bullet,
 15 "Java is perceived as stagnant and legacy," states,
 16 "Stagnant innovation."
 17 That's pretty much what we just discussed;
 18 correct?
 19 A. Again, I wouldn't necessarily use those
 20 terms, but there were emerging requirements on the
 21 ME side, smartphones being a good example. On the
 22 SE side, there were other factors at play that were
 23 not being addressed.

15. PAGE 201:24 TO 202:01 (RUNNING 00:00:05.798)

24 Q. Does Oracle have a smartphone operating
 25 system on the market?

Oracle v. Google_2

00202:01 A. No.

16. PAGE 202:22 TO 203:07 (RUNNING 00:00:27.065)

22 Q. Is Java ME something that could be
23 installed in a smartphone in place of, say, the
24 Symbian OS?

25 A. Yes.

00203:01 Q. Would it provide the full functionality
02 that the Symbian OS provides?

03 A. No.

04 Q. What would be missing?

05 A. I couldn't give you the details, but Java
06 ME is not fully capable for what is required by a
07 smartphone device.

17. PAGE 205:21 TO 206:03 (RUNNING 00:00:17.918)

21 Q. What -- as far as your understanding goes,
22 what are the components of a full stack?

23 A. I think a full stack, like I referred to
24 earlier, where you've got the operating system with
25 native device specific capabilities included.

00206:01 Q. And by that definition, is Java ME a full
02 stack?

03 A. No.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:07:00.903)